IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1694 OF 2004

The State of Maharashtra .. Applicant.
Vs.
Annasaheb Ishwara Mali .. Respondent.

Mr.V.B.Konde-Deshmukh APP for the applicant.
Mr.Shekhar Ingawale for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 18TH AUGUST, 2004

P.C.:

. Heard Mr.Konde-Deshmukh, learned A.P.P. for the applicant and Mr.Ingawale, learned counsel for the respondent.

2. By this application, the State is seeking cancellation of the order of bail dated 17.12.2003 passed by the Additional Sessions Judge, Sangli below Exhibit-1 in Criminal Misc. Appln. No.539/2003. The offence was registered against the respondent-accused under section 306 of Indian Penal Code bearing C.R.No.41/2003 by Kupwad police station. It is the prosecution case that the deceased, who was studying in 12th standard in Wellington College, committed suicide as he was humiliated and insulted by the respondent in the presence of other students. The deceased has so

stated in the suicide note. The only ground made out by the prosecution seeking cancellation of bail is that the incident of causing humiliation to the deceased in the presence of other students, drove him to commit suicide. The law, in so far as cancellation of bail is concerned, by now is well settled. Rejection of bail in a non-bailable case at the initial stage and cancellation of bail already granted, need to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail, already granted. Generally speaking the grounds for cancellation of bail, broadly, (illustrative and not exhaustive) are; interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. No such ground is made out in the instant application. I do not find any supervening circumstance rendering it no longer conducive to a fair trial allowing the accused to retain his freedom by enjoying concession of bail during the trial. In the circumstances the application is rejected.

(D.B.Bhosale, J.)